

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,

Plaintiff,

v.

RAYOVAC CORPORATION,

Defendant.

Civil Action No. 03-CV-12428-WGY

**DEFENDANT RAYOVAC CORPORATION'S MOTION FOR LEAVE TO
FILE UNDER SEAL**

Pursuant to Local Rule 7.2, Defendant Rayovac Corporation (“Rayovac”), by its attorneys, hereby moves this Court for leave to file confidential exhibits, designated as Exhibits A through P inclusive, to Rayovac’s memoranda in support of its motion for summary judgment. A list of these confidential exhibits is attached to this motion as Exhibit 1. Rayovac also moves to file each of its supporting memoranda, which reference these confidential exhibits, under seal.

On or about October 18, 2004, the parties filed a proposed Stipulated Protective Order with the Court. On or about October 19, 2004, the Court modified the proposed Stipulated Protective Order by adding an additional paragraph stating “Nothing shall be filed in court pursuant to the terms of this protective order.”

As grounds for this motion, Rayovac states that exhibits A-P contain information that has been designated by the parties as “Confidential” or “Attorneys’ Eyes Only”

under the terms of the Stipulated Protective Order. The memoranda in support of Rayovac's Motions also include reference to these materials.

In addition, the parties have designated certain deposition testimony as "Attorneys' Eyes Only." The excerpts of testimony from the following depositions were designated "Attorneys' Eyes Only":

- Gebhard Braun
- Dr. Dietrich Pahl
- Gilbert Greaves
- Matthew Holmes Parker
- Jurgen Hoser
- Wolfgang Vorbeck

* * * *

WHEREFORE, Defendant Rayovac Corporation respectfully requests that this Court grant leave to file confidential exhibits, designated as Exhibits A through P inclusive, to Rayovac's memoranda in support of its motion for summary judgment under seal.

Respectfully submitted,

RAYOVAC CORPORATION

By its attorneys,

/s/ Kevin S. Ueland
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Dated: August 22, 2005

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that on August 22, 2005, counsel for Defendant Rayovac Corporation conferred with counsel for Plaintiff Braun GmbH, relating to this motion. Plaintiff's counsel indicated that Plaintiff Braun GmbH did not oppose the filing of this motion.

/s/ Kevin S. Ueland
Kevin S. Ueland